

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Trevor S. Condon, Special Agent with the Federal Bureau of Investigation (“FBI”), being first duly sworn, depose and state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation (“FBI”) and have been so employed since 2018. I am currently assigned as a Special Agent for the FBI in the Billings, Montana, Resident Agency. My duties and responsibilities as a Special Agent with the FBI are, among other things, to investigate violations of federal criminal law, including prohibited persons in possession of firearms and violent crimes on Indian reservations, and to apprehend wanted individuals. I have also participated in the execution of federal search and arrest warrants in a variety of criminal investigations. Prior to being a Special Agent with the FBI, I was a police officer with the city of San Jose, California. During my six years of experience as a police officer, I participated in no less than 100 criminal investigations, involving but not limited to, sexual assault, crimes against children, domestic violence cases, kidnappings, assaults, murders, and cases involving the possession of illegal weapons and controlled substances. I have acquired experience in these matters through training and everyday work experience associated with those types of investigations.

Your Affiant is involved in the investigation of a suspected violation of Federal law(s) by Chase David CARMODY. (DOB: 08-XX-1980), a convicted felon.

II. DESCRIPTION

1. This Affidavit is submitted in support of a Criminal Complaint requested for Chase CARMODY, charging him with Possession of a Firearm and/or Ammunition in violation of Title 18, United States Code, Section 922(g)(1). The statements in this Affidavit pertain to the investigation described below and are based in part on information provided by my own observations and experience as an FBI Special Agent, and the observation and experiences of other fellow law enforcement officers participating in the investigation. This Affidavit does not purport to contain all the facts related to this investigation, but only those facts necessary to establish probable cause with respect to the aforementioned offense.

III. PROBABLE CAUSE

2. On October 30, 2021, FBI National Threat Operations Center (NTOC) received a report from a concerned citizen, that Chase David CARMODY is a felon who recently relocated to the Billings, Montana area and is in possession of a firearm. An NCIC criminal records check shows that CARMODY had been convicted of conspiracy, sale of military property, and wrongful possession of

military property, and was sentenced by United States Army General Court Martial to 15 months confinement and discharged from military service.

3. On November 15, 2021, I was assigned to investigate this NTOC report. On November 22, 2021, FBI made contact with the original complainant, John Winchester (hereinafter “the complainant”). Several pieces of evidence that were uncovered by the investigation, which will be described below, corroborated the information provided by the complainant. I reviewed the complainant’s criminal history and found that he was convicted of a misdemeanor DUI in 2008. He was also charged with but not convicted of two misdemeanors in 2007 related to marijuana and drug paraphernalia. None of the complainant’s convictions were related to his truthfulness or have the potential to undermine the veracity of what he told law enforcement. Further, based upon corroborating evidence recovered in the investigation, the complainant’s expressed motive for contacting the FBI to submit the original report, appears credible.

4. The complainant provided FBI with a telephonic interview and the following information:

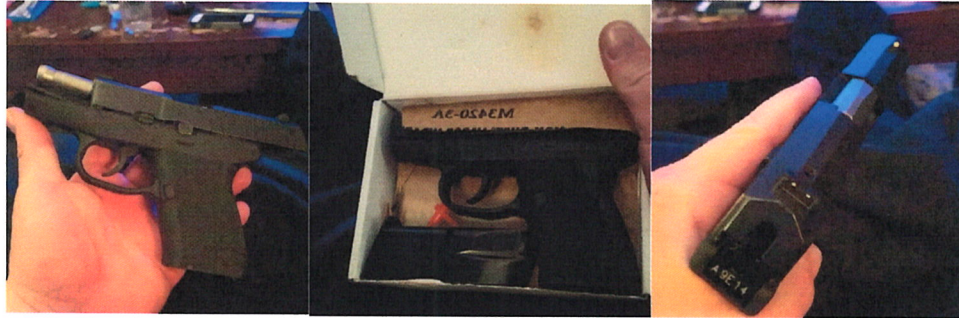
5. The complainant said he was making the report because he believes CARMODY has access to firearms and is concerned, as a citizen, that CARMODY may pose a threat to the community. The complainant stated that he has been friends with CARMODY since approximately 2015. They worked together at the

same Staples store in Washington state. The complainant and CARMODY were close friends and would frequent each other's homes, eat dinner together, smoke marijuana, and drink together. When socializing, CARMODY and the complainant sometimes talked about guns and knives. CARMODY collected butterfly knives during that time and demonstrated a high level of skill handling the knives. The complainant reported that CARMODY also owned at least two firearms: one Kel-Tec 9mm P11 that held nine rounds, and a "Moss 5" shotgun. CARMODY also had dragon and bolo rounds for the shotgun.

6. Your affiant knows that dragon rounds are designed to spew fire when they are discharged from the gun. In a traditional bolo round, two or more slugs are connected by steel wire. After leaving a gun's muzzle, the bolo slugs separate and "carry" the steel wire between them, forming a kind of flying blade. These rounds are designed to be high damage "one-shot" rounds.

7. CARMODY and the complainant last discussed the "Moss 5" shotgun around April 2020. CARMODY attempted to sell the Kel-Tec 9mm pistol to the complainant but later decided not to after his father died, stating that the gun had become an heirloom. During the discussion of the potential sale of this pistol, CARMODY and the complainant would refer to it by using the codeword "knife" instead of describing it as firearm, gun, or pistol. This conversation took place on Facebook Messenger on April 27, 2019. However, CARMODY previously sent

several photos of this pistol to the complainant, on May 14, 2017, via Facebook Messenger. See images below:



8. The complainant recognized the background of these May 2017 photos to be CARMODY's Washington state residence and also recognized the hands holding the pistol to be CARMODY's. The complainant believed the guns possessed by CARMODY were registered to CARMODY's late father or CARMODY's wife, Stephanie. The complainant had observed a large safe that contained guns, including several pistols, located at CARMODY's home in Washington state. The complainant never observed CARMODY shooting guns but had several conversations with him where CARMODY expressed training with firearms and shooting at shooting ranges. CARMODY told the complainant that he was ex-military and was arrested for felony larceny while in the military, and later discharged for the offence. CARMODY said that he served time and expressed he knew it was illegal for him to possess firearms.

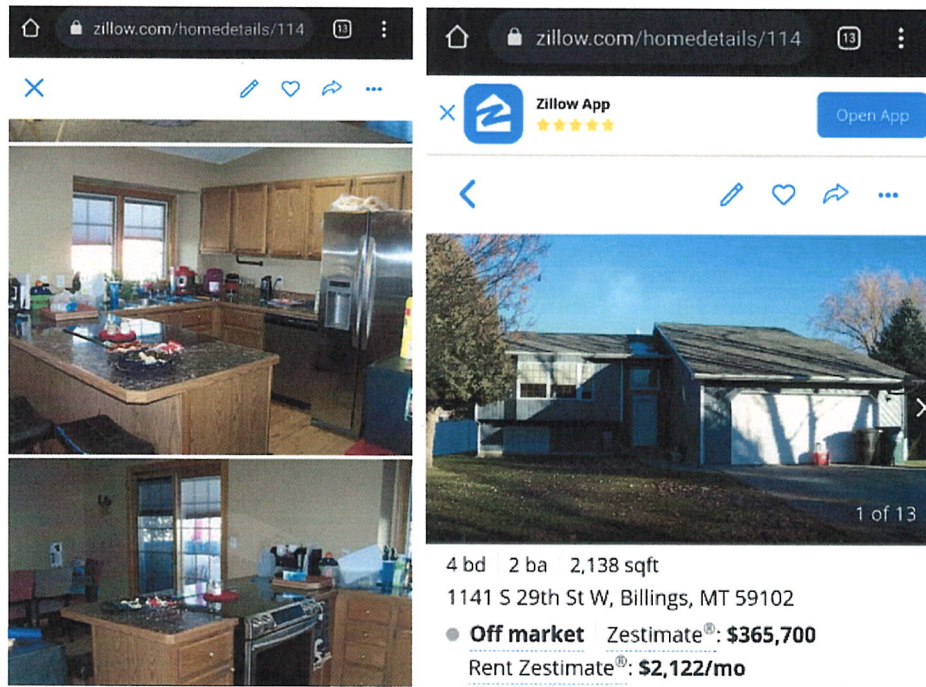
9. The complainant reported to the FBI that CARMODY began to express a deep discontentment for his home state of Washington, so he left most of his

possessions there and recently moved to Montana. In recent months, the complainant said that CARMODY has been posting on Facebook more frequently, documenting his transition to Montana and into his new residence. In a recent Facebook post, dated October 29th, 2021, CARMODY published a photograph of a cooked steak sitting on a countertop. The top left of the photograph shows a loaded nickel-colored revolver next to the plate of steak. The complainant recognized the countertop as CARMODY's Montana residence from previous pictures CARMODY had posted on Facebook. See image of the revolver below:



10. On or about November 30, 2021, FBI conducted open-source checks on CARMODY and determined that he is associated with the residential address:

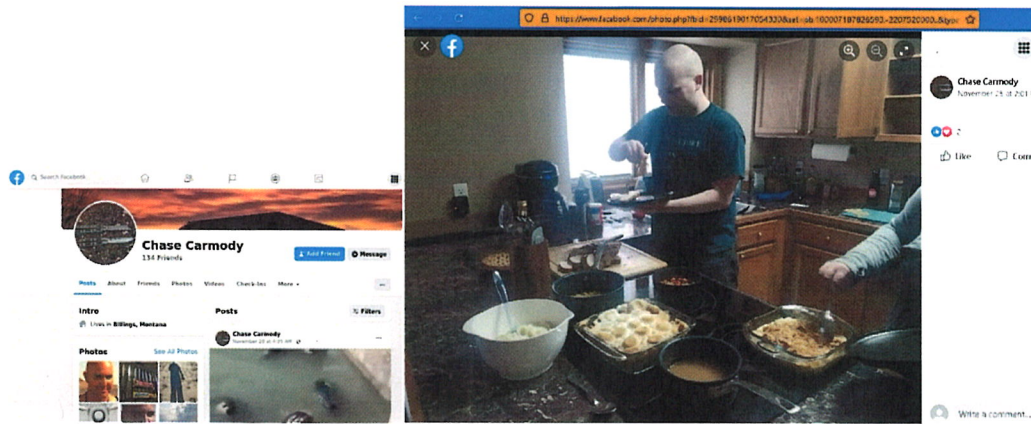
1141 S. 29th Street West, Billings, Montana 59102. Later that day, additional open-source checks of that address, revealed a posting on Zillow.com, featuring photographs of the exterior and interior of the residence. The kitchen countertops in those photos appear to match the countertop shown in the photograph of the revolver posted by CARMODY. See Zillow.com images below:



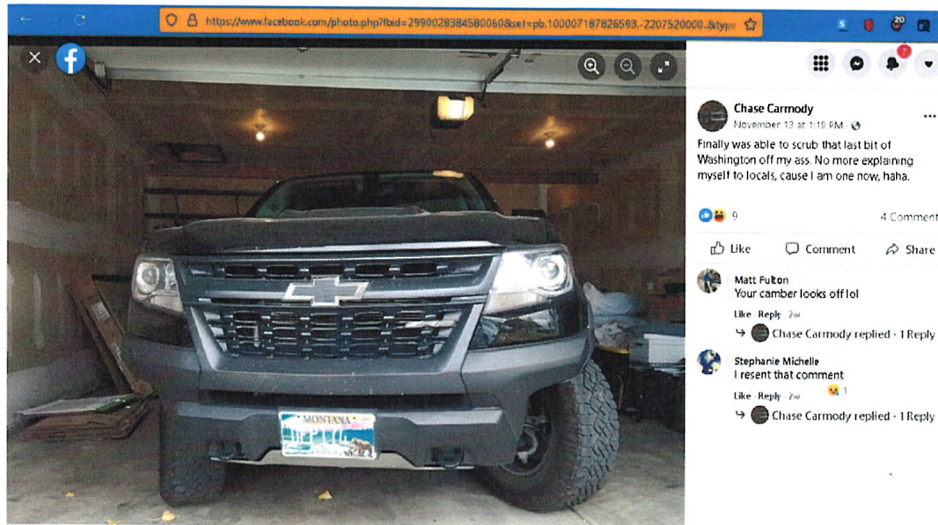
Photographs from Zillow.com of 1141 S 29th St. West, Billings, MT 59102

11. More open-source research on November 30, 2021 revealed a Facebook account (UID: 100007187826593) with the display name “Chase Carmody.” The complainant confirmed that this account belonged to his friend, CARMODY, and that many of the photos showed CARMODY himself. The account publicly displayed numerous photographs. Several photographs posted on CARMODY’s

Facebook page, including one posted on November 25, 2021, shows the interior of a residence that matches the photographs from the Zillow.com post of address 1141 S. 29th Street W, Billings, Montana 59102 and also matches the countertop in the photograph of the revolver that CARMODY posted on October 29, 2021. See this photo below:



12. Also displayed on CARMODY's Facebook page was a photograph of a black Chevy pickup parked in a garage, with a caption by CARMODY expressing his enthusiasm for having replaced his Washington license plate with one from Montana. The vehicle's Montana license plate, number DEP174, is visible in the photograph. On or about November 30, 2021, a query of the Montana State Department of Motor Vehicle database revealed Montana license plate DEP174 was registered to Chase CARMODY at the address 1141 S. 29th St. West, Billings, Montana 59102. See image below:



13. On November 30, 2021, FBI conducted physical surveillance at 1141 29th St. West, Billings, Montana 59102. During their surveillance, agents observed a black Chevy Colorado pickup parked outside the residence, displaying Montana license plate DEP174, which is registered to CARMODY.

14. On December 2, 2021, ATF notified FBI Billings, that CARMODY attempted to purchase a firearm on May 2, 2009 but was denied through the NICS database (NTN# 1CSRJ1C) because of his previous convictions.

15. Also, on or about December 2, 2021, FBI received and reviewed CARMODY's Department of Defense service and disciplinary records from the United States Army regarding his 15-month sentence of conviction. A review of the records revealed that on October 2, 2001, CARMODY was convicted and sentenced by a United States Army General Court Marshal to 15-months confinement for the following five offenses: 1) Conspiracy to commit larceny of

military property; 2) Conspiracy to commit illegal sale of military property; 3) Illegal sale of military property valued over \$100; 4) Theft of military property valued over \$100; and 5) Illegal possession of C-4 explosives. Following his 15-month sentence, Carmody received a Bad-Conduct Discharge from the United States Army. This conviction prohibits Carmody from possessing firearms or ammunition under 18 U.S.C. § 922(g)(1).

16. On December 16, 2021, FBI executed a federal search warrant for the premises located at 1141 29th Street W, Billings, Montana 59102. During the search, several firearms and hundreds of rounds of ammunition were seized including, among other things:

- 1) Mossberg 12 gauge shotgun
- 2) Black Pump action 12-gauge shotgun
- 3) Ruger 22 caliber rifle
- 4) Marlin 30-30 rifle
- 5) Rossi 30-30 rifle
- 6) Savage 117 HMR rifle
- 7) Stevens 16-gauge shotgun
- 8) Kel-Tec 9mm pistol
- 9) Colt .45 pistol with loaded magazine
- 10) Ruger 22 caliber Pistol

- 11) Para Ordnance .45 caliber pistol
- 12) Ruger 44 mag revolver
- 13) Smooth bore barrel
- 14) Millett scope
- 15) Smith and Wesson 12-gauge shotgun

17. I am not aware that any of these firearm manufacturers are located in Montana, and thus, it is my belief that these firearms moved in or affected interstate commerce. However, a complete Interstate Nexus examination of the firearms and ammunition will be conducted to determine their specific make and origin.

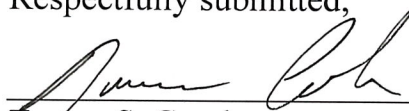
18. Your Affiant read CARMODY his Advice of Rights and CARMODY consented to a recorded interview with myself and FBI Special Agent Brandon Walter, without an attorney present. CARMODY acknowledged to being a convicted felon and therefore being prohibited from possessing firearms and/or ammunition. CARMODY admitted to being in possession of firearms for protection and because he was fond of them, for what was described as a “long time.” CARMODY admitted to possessing ammunition to include incendiary rounds. CARMODY stated that all the firearms within the residence were his. CARMODY explained that he purchased some of them from third parties and the others were passed down to him from his father-in-law.

IV. CONCLUSION

17. Based on my training and experience, and the foregoing facts, I believe there is probable cause that Chase David CARMODY violated Title 18, United States Code, Section 922(g)(1), Possession of a Firearm and/or Ammunition as a Prohibited Person on and/or December 16, 2021. This aforementioned offense occurred while in the city of Billings, in the State and District of Montana.

18. I swear that the facts presented herein are true and accurate to the best of my knowledge.

Respectfully submitted,



Trevor S. Condon
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on December 17, 2021:



Timothy J. Cavan
United States Magistrate Judge
District of Montana